

Neil Parker

- 406-293-~~88~~ 970577

Thursday

- Power Poles

- Second Road

- Move trailer.

1225834 - R8 SDMS

April-18/2011

MR. VICTOR KETTLELAPPER.

REGION-8 \* E.P.A.

RE: W.R. GRACE ACCESS ROAD FROM Hwy. 30 \* TO  
LINCOLN COUNTY PUBLIC ROAD - PETITION - 102A.

SIR:

I WOULD STRONGLY ENCOURAGE YOU TO REVIEW THE DOCUMENT THAT I ASKED MRS. REBECCA THOMAS TO HAND DELIVER TO MR. ANDREW LENSINK ON MARCH-10/2011 AFTER DOING SO. IF YOU FEEL THAT HIS APPROACH THROUGHOUT THE PERIOD OF TIME FROM DEC-20/2010 UNTIL NOW IS "ACCEPTABLE" UNDER E.P.A PUBLIC INVOLVEMENT POLICY, THEN PLEASE TELL ME SO NOW!

MR. CIRIAN HAD ADVISED ME ON APRIL-15/2011 THAT HE INTENDS TO MEET WITH AMTRAK TOMORROW ON HAULING 500 CY/YS TO THE AMPHITHEATRE THIS WEEK.

APPARENTLY, MR. CIRIAN IS PLANNING ON ACCEPTING MATERIAL FROM THE D.O.T., AS WELL, DURING THE WEEK OF APRIL-25/1 TO BE TRANSPORTED, AS WELL, TO THE AMPHITHEATRE.

THE VERBAL UNDERSTANDING I PRESENTED TO THE E.P.A/ COMMISSIONERS GROUP ON APRIL-13/2011 WAS THAT MAINTENANCE TYPE VEHICLES WOULD BE ALLOWED TO USE, WHAT I REFER TO AS "THE W.R. GRACE ACCESS ROAD".

Deb  
sent

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APRIL-18/2011

HOWEVER, WHEN EQUIPMENT TO HAUL OR LOAD OR TRANSPORT MATERIAL DESIGNATED FOR FINAL DISPOSAL AT THE MINE SITE ATTEMPTS ACCESS BELOW GATE DOWN TO HWY-37<sup>th</sup> R/W. I WILL BLOCK OFF ROAD.

MRS. MARIANNE ROOSE, COUNTY COMMISSIONER, HAS INDICATED AT THE MEETING ON APRIL-13/2011 THAT THEIR LAWYERS WILL REVIEW THIS "ISSUE". WE WANT, UNDER THE CIRCUMSTANCES, "RESOLUTION NOT "LITIGATION".

WHAT ARE YOU WILLING TO DO AFTER "RESEARCHING" THE SITUATION THOROUGHLY TO "RESOLVE" THE PROBLEM?

SINCERELY  
Mel Orden

May-4/2011

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MR. KETTLELAPPER.

When you called on Friday to inform me that the County Commissioners had notified you or Ms. Kristen Smith had contacted you regarding the decision that the road in question with the power poles in place was "A PART OF THE" ORIGINAL ROAD.

As I remember you also informed me that if I were to block off the road you would call the Sheriff. No Problem!

Now comes Monday morning and Mr. Mark McCully, who is the County Road Supervisor, calls to tell me that he has an aerial photograph dating back to April of 1949 which shows the status of the road at that time. Nothing had been built on the west side of Rainy Creek but it had been cleared off and something was going to happen. You will notice that the group of trees going from the new Hwy-37 down to the Kootenai River is of course Rainy Creek.

So I pulled out my collection of aerial photos and was able to go back to 1930 which was 13 years after the Petitioned Road 102-A was declared a County Road and opened to the public (enclosed)

What is interesting is that the land west of Rainy Creek has not been cleared and neither does a road go down to the old Hwy-37<sup>n</sup> on that side of Rainy Creek at that point in time.

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I BELIEVE THAT YOU, SIR, NEED TO GET IN TOUCH WITH THE COUNTY COMMISSIONERS TO GET CLARIFICATION AS TO WHERE THEY STAND ON THE ISSUE OF THE ORIGINAL ROAD 102A AND WHAT IS THE STATUS OF THE ACCESS ROAD THAT WAS USED TO GIVE THE ZONOLITE COMPANY A SAFE AND EFFICIENT APPROACH TO THEIR PROPERTY. IN THE EARLY 1950'S.

I HAVE BEEN TOLD THAT A DISTRICT COURT WILL RULE ON THE ROAD STATUS AFTER ALL INFORMATION HAS BEEN PROVIDED BY "INTERESTED PARTIES" COUNTY COMMISSIONERS AS WELL.

AS YOU ARE PROBABLY AWARE OF AND I HAVE NOTIFIED MR. CIRIAN I HAVE LAID OUT A DITCH LINE IN ORANGE PAINT ON THE ROADWAY ON RAINY CREEK. THIS DITCH WILL CROSS THE ASPHALT PROVIDING ME WITH THE ABILITY TO  IRRIGATION ON OUR PROPERTY. WHAT IS LEFT TO DO IS CONTACT "YOU DIG" TO DETERMINE WHERE THE UNDERGROUND LINES ARE LOCATED. AS YOU ARE PROBABLY ALSO AWARE OF, IS THAT THE SNOWPACK IN THE KOOTENAI MOUNTAINS IS 174% ABOVE NORMAL AND THERE IS STRONG INDICATION OF FLOODING IN LIBBY, AROUND THE MIDDLE OF MAY AND INTO JUNE/2011. IN 1996 WHEN THE LAST FLOODING OCCURED OUR ROCK QUARRY SUPPLIED RIP RAP TO RESIDENTS IN THIS AREA TO PROTECT THEIR BANKS FROM EROSION. THERE WILL NOT BE ANY RIP-RAP FOR THIS FLOOD YEAR FROM OUR QUARRY. THE BALL IS IN YOUR PARK, MR. KETTELAPPER. WE WANT TO RESOLVE! YOU WANT TO LITIGATE?

Sincerely Mel Gardner

## II. Obligations of the Owner. -

A. The Owner has and will continue to provide to EPA, its employees, agents, contractors, and representatives the right to enter upon the Property for purposes of implementing the selected response action at the Screening Plant through the date of the Notice of Availability of Property. The Owner further consents to the demolition of buildings, and disposal of contaminated personal items, business equipment and inventory covered by this Agreement. *N.O.A AS OF JUNE-16/2006 mmp.*

B. The Owner agrees that compensation will not be sought in any forum for personal items, equipment, inventory and relocation costs where such compensation has already been provided for pursuant to this Agreement.

## III. Release of Claims.

The Owner hereby agrees that payment by EPA of the monetary amounts set forth herein in Paragraphs I.B. and I.C. represents full settlement and just compensation, under all applicable laws and regulations, of any and all claims the Owner may have against EPA as compensation for the replacement value of all personal items, equipment and inventory disposed of pursuant to

IMPORTANT!

GRACE

Letter to Robert Winegar, Program Supervisor  
October 22, 1992  
Page 2

Zonolite  
Construction Products Division

W.R. Grace & Co.  
P.O. Box 609  
Libby, MT 59923-0609  
(406) 293-3746

Although the average enposure at Highway 37 was the highest of all the sampling points, it is still considerably less than the standard. Higher exposure at this sample point is the result of it being the heaviest travelled area.

It is apparent from this data that asbestos exposure should be removed from the areas of concern as outlined in the "Draft Environmental Assessment".

On a separate issue, I have yet to receive any communication from your department with respect to my letter of October 8th in which I pointed out discrepancies in Amendment No. 005 in the bonding of our permit.

Sincerely,

W. R. GRACE & CO.-CONN.  
CONSTRUCTION PRODUCTS DIVISION

Alan R. Stringer  
General Manager

ARS/rim

Cncloaure

# **ASBESTOS FIBER SAMPLING RESULTS FOR W.R. GRACE ACCESS ROADWAY**

F/CC = fibers per cubic centimeter of air  
OSHA Threshold Limit Value (TLV) = 0.2 f/cc

SAMPLE LOCATION	DATE	F/CC
Hwy 37 Junction	04/Jun/91	0.0056
Truck Runout	04/Jun/91	0.0009
Jackson Creek	04/Jun/91	0.0009
Average		0.0025
Hwy 37 Junction	10/Jun/91	0.0077
Truck Runout	10/Jun/91	0.0005
Dam/Pond Midpoint	10/Jun/91	0.0000
Jackson Creek	10/Jun/91	0.0000
Average		0.0021
Hwy 37 Junction	12/Jun/91	0.0000
Truck Runout	12/Jun/91	0.0005
Dam/Pond Midpoint	12/Jun/91	0.0000
Jackson Creek	12/Jun/91	0.0000
Average		0.0001
Hwy 37 Junction	16/Jul/91	0.0015
Truck Runout	16/Jul/91	0.0081
Dam/Pond Midpoint	16/Jul/91	0.0015
Jackson Creek	16/Jul/91	0.0015
Average		0.0027
Hwy 37 Junction	18/Jul/91	0.0010
Truck Runout	18/Jul/91	0.0015
Dam/Pond Midpoint	18/Jul/91	0.0000
Jackson Creek	18/Jul/91	0.0005
Average		0.0008
Hwy 37 Junction	22/Jul/91	0.0020
Truck Runout	22/Jul/91	0.0021
Dam/Pond Midpoint	22/Jul/91	0.0026
Jackson Creek	22/Jul/91	0.0000
Average		0.0017
Hwy 37 Junction	29/Jul/91	0.0199
Truck Runout	29/Jul/91	0.0066
Dam/Pond Midpoint	29/Jul/91	0.0000
Jackson Creek	29/Jul/91	0.0000
Average		0.0066
Hwy 37 Junction	08/Aug/91	0.0041
Truck Runout	08/Aug/91	0.0000
Dam/Pond Midpoint	08/Aug/91	0.0046
Jackson Creek	08/Aug/91	0.0010
Average		0.0024



1930-PHOTO OF LOWER  
RAINY CREEK ROAD

8-4-49



# ROAD PETITION

ROAD PETITION  
102-A

To the Honorable, the Board of County Commissioners of the County of Lincoln, State of Montana:

Gentlemen: We, the undersigned, Freeholders of Road District No. \_\_\_\_\_ in the County of Lincoln, State of Montana, and taxable therein for road purposes, respectfully petition your honorable body to lay out, construct, open and establish a new highway in said district as follows, to-wit:

Commencing at Benjamin Thomas's Ranch, mouth of  
Sandy Creek, and terminating at J. C.  
Burgoyne's Ranch.

COUNTY ROAD ON MAY-08/1917

Said road to extend over and upon the following lands, to-wit: Benjamin Thomas,  
Government Land, Michael Rodden, Charley  
Wood, J. C. Burgoyne

Said lands are owned by as shown above

Names of the owners of said lands who consent to said road are as follows, to-wit: same as  
above.

Names of those who do not consent to said road are as follows, to-wit: None.

Names of owners of said lands who cannot be found are as follows, to-wit: None.

The probable cost of the right of way over the lands of those who do not consent thereto is \$ None.

The necessity for, and the advantages of the said proposed highway are for agricultural and mining

Very respectfully submitted,

J. C. Burgoyne

Howard M. Gill

Am. Chamber

J. C. D. Russell

No. 102 A

## Bv

J. L. Burgoyne Elliott

Filed

May 9 1917

*Yoris G. Klumpp*  
County Clerk.

County Clerk

Action Taken by Board.

Declosed Couch  
Road, that portion  
now completely declosed  
open to Public

Note is written in  
 and happened to know that the  
 and Abby took interest in the zone  
 name of woman was a woman in the zone  
 county of Hampshire, July 1923, and was  
 sea level. The zone was a low level  
 and was a low level.

105-7  
160324 FEB 11 1968